



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,573	12/22/2000	Rene Travers	GRYN-201 CAI	3529

24972 7590 07/18/2003

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

EXAMINER

LE, LANA N

ART UNIT	PAPER NUMBER
----------	--------------

2685

DATE MAILED: 07/18/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,573

Applicant(s)

TRAVERE ET AL.

Examiner

Lana Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19, 21-28, 30-32 is/are rejected.
- 7) ☒ Claim(s) 20 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 15, 19, 22-24, 28, and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US 5,960,367) in view of Corkum (US 6,134,455).

Regarding claim 15, Kita discloses a process for producing a high power acoustic signal for use with a standard portable mobile telephone 21, comprising the steps of:

autonomously detecting a call from a calling station (col 4, lines 46-54; col 20, lines 49-60);

generating a detection signal when the call is detected (col 21, lines 46-62);

and emitting the power acoustic signal in response to the detection signal to alert the user of the mobile telephone of the call (col 21, lines 52-62; col 15, lines 43-51), thereby alerting even the user remote from the mobile telephone 21 (col 22, lines 25-44; col 11, lines 44-49). Kita didn't disclose the acoustic signal is comparable in power to that of a domestic telephone instrument. Corkum discloses the acoustic signal is comparable in power to that of a domestic telephone instrument (col 5, line 63 - col 6, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the acoustic signal of Kita comparable in power to that of a

Art Unit: 2685

domestic telephone instrument in order to ensure the user is able to be alerted of the incoming call even when the user places the portable terminal in a distant closed environment, i.e. a suitcase.

Regarding claims 19 and 28, Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein the step of autonomously detecting includes the step of detecting the call without modifying electronic circuits of the mobile telephone by detecting a disturbance of an electromagnetic environment of the mobile telephone (col 12, lines 44-48).

Regarding claims 22 and 31, Corkum and Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein Kita further discloses the step of autonomously detecting includes the step of detecting the call without modifying electronic circuits of the mobile telephone by using an independent electronic circuit 223 (fig. 24) in receiver 27 to detect the call from the calling station.

Regarding claims 23 and 32, Corkum and Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein Kita further discloses the step of autonomously detecting includes the step of detecting the call without modifying electronic circuits of the mobile telephone by detecting acoustic vibrations of a ring generated by the mobile telephone when the call is received.

Regarding claim 24, Kita discloses an apparatus 26, 27 for producing a high power acoustic signal for use with a standard portable mobile telephone 21 (fig. 2), comprising the steps of a detector 223 for autonomously detecting a call from a calling

station (col 4, lines 46-54; col 20, lines 49-60); a signal generator for generating a detection signal when the call is detected by the detector (fig. 24).

and an emitter 133 (fig. 22) for emitting a power acoustic signal in response to the detection signal to alert user of the mobile telephone of the call , thereby alerting even the user remote from the mobile telephone (col 22, lines 25-44; col 11, lines 44-49). However, Kita didn't further disclose the power acoustic signal is high comparable in power to that of a ring of a domestic telephone instrument. Corkum further discloses the power acoustic signal is high comparable in power to that of a ring of a domestic telephone instrument (col 5, lines 63 – col 6, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to emit the high acoustic signal in order to alert the user of an incoming call even with the phone in a far proximity position, ie. locked away in a distant suitcase (fig. 2) with a loud enough alert sound signal to notify the incoming call.

Regarding claims 22 and 31, Corkum and Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein Kita further discloses the step of autonomously detecting includes the step of detecting the call without modifying electronic circuits of the mobile telephone by using an independent electronic circuit 223 (fig. 24) in receiver 27 to detect the call from the calling station.

Regarding claims 23 and 32, Corkum and Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein Kita further discloses the step of autonomously detecting includes the step of detecting the call without modifying

Art Unit: 2685

electronic circuits of the mobile telephone by detecting acoustic vibrations of a ring generated by the mobile telephone when the call is received.

2. Claims 16-17, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US 5,960,367) in view of Corkum (US 6,134,455) and further in view of Ito (US 5,081,668).

Regarding claims 16 and 25, Corkum and Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein Corkum further inherently discloses the number of the high power acoustic signals generated for calls is not limited by the capacity of a power source. Corkum and Kita didn't further disclose the step of emitting includes the step of supplying power to an emitter 133 to generate the high power acoustic signal through a domestic power source, such that the number of the high power acoustic signals generated for calls is not limited by the capacity of a power source.

Ito further discloses the step of emitting includes the step of supplying power to an emitter to generate said high power acoustic signal through a domestic power source 4, such that the number of said high power acoustic signals generated for calls is not limited by the capacity of a power source (col 2, lines 57-60; col 3, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to supply power to the incoming call receiver in order to supply power to the mobile unit and its functions including the ring volume.

Regarding claims 17 and 26, Ito further discloses the process and apparatus of claims 16 and 25 respectively, wherein said domestic power source is a charger 4 connected to a household electrical outlet 43 (fig. 2).

3. Claims 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US 5,960,367) in view of Corkum (US 6,134,455) in view of Ito (US 5,081,668) and further in view of Johnson et al (US 5,164,652).

Regarding claims 18 and 27, Ito further discloses the process of claims 16 and 25 respectively, wherein the cited prior art didn't further disclose the domestic power source is a rechargeable battery attached to a charger connected to a household electrical outlet. Johnson et al further discloses the domestic power source is a rechargeable battery attached to a charger 201 connected to a household electrical outlet via 203 (fig. 2; col 6, lines 23-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a rechargeable battery in order to avoid the need to replace a depleted battery.

4. Claims 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US 5,960,367) in view of Corkum (US 6,134,455) in view of Ito (US 5,081,668) and further in view of Kaschke et al (US 6,956,626).

Regarding claims 21 and 30, Corkum and Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein they didn't further discloses the mobile telephone comprises a vibrator for generating vibrations to alert the user of the call. Kaschke further discloses the mobile telephone comprises a vibrator for generating vibrations to alert the user of the call; and wherein the step of autonomously

Art Unit: 2685

detecting includes the step of detecting the call without modifying electronic circuits of the mobile telephone by detecting the vibrations generated by the vibrator wherein the step of autonomously detecting includes the step of detecting the call without modifying electronic circuits of the mobile telephone by detecting the vibrations generated by the vibrator (col 1, lines 35-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the mobile vibrate in order to notify the detection circuitry of the auxiliary device of the incoming call.

Allowable Subject Matter

1. Claims 20 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 20 and 29, Corkum and Kita further discloses the process and apparatus of claims 15 and 24 respectively, wherein the cited prior art fails to further disclose the mobile telephone being connected to a charger in a sleep mode; and wherein the step of autonomously detecting includes the step of detecting the call without modifying electronic circuits of the mobile telephone by detecting variations in charging current of the charger.

Art Unit: 2685


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


Lana Le

July 14, 2003


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600